U.S. Citizenship and Immigration Services

Non-Precedent Decision of the Administrative Appeals Office

In Re: 40099971

Date: JAN. 21, 2026

Appeal of Service Center Operations (SCOPS) Decision

Form I-140, Immigrant Petition for Alien Workers (Extraordinary Ability)

The Petitioner seeks classification as an alien of extraordinary ability. *See* section 203(b)(1)(A) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those aliens who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation. *Id.*

Service Center Operations (SCOPS) denied the petition, concluding the Petitioner had not established he had a major, internationally recognized award, or that he met at least three of the ten regulatory criteria to establish the initial evidentiary requirements for the classification. The matter is now before us on appeal pursuant to 8 C.F.R. § 103.3.

The Petitioner bears the burden of proof to demonstrate eligibility by a preponderance of the evidence. *Matter of Chawathe*, 25 I&N Dec. 369, 375-76 (AAO 2010). We review the questions in this matter de novo. *Matter of Christo's, Inc.*, 26 I&N Dec. 537, 537 n.2 (AAO 2015). Upon de novo review, we will dismiss the appeal.

I. LAW

Section 203(b)(1)(A) of the Act makes immigrant visas available to aliens with extraordinary ability if: they have extraordinary ability in the sciences, arts, education, business, or athletics which has been demonstrated by sustained national or international acclaim; they seek to enter the United States to continue work in the area of extraordinary ability; and their entry will substantially benefit the United States prospectively. The term "extraordinary ability" refers only to those individuals in "that small percentage who have risen to the very top of the field of endeavor." 8 C.F.R. § 204.5(h)(2).

The implementing regulation at 8 C.F.R. § 204.5(h)(3) sets forth a multi-part analysis of the evidence to determine whether a petitioner has sustained national or international acclaim and whether their achievements have been recognized in the field. First, a petitioner can provide evidence of either "a

major, international recognized award," or satisfaction of at least three of ten evidentiary criteria at 8 C.F.R. § 204.5(h)(3).[1]

Where a petitioner meets these initial evidence requirements, U.S. Citizenship and Immigration Services (USCIS) then considers the totality of the material provided in a final merits determination and assesses whether the record shows sustained national or international acclaim and demonstrates that the individual is among the small percentage at the very top of the field of endeavor. *See Kazarian v. USCIS*, 596 F.3d 1115, 1121 (9th Cir. 2010) (discussing a two-step review where the documentation is first counted and then, if fulfilling the required number of criteria, considered in the context of a final merits determination); *see also Visinscaia v. Beers*, 4 F. Supp. 3d 126, 131-32 (D.D.C. 2013); *Rijal v. USCIS*, 772 F. Supp. 2d 1339 (W.D. Wash. 2011); *see generally* 6 *USCIS Policy Manual* F.2(B), www.uscis.gov/policy-manual (providing, as guidance, USCIS' two-step extraordinary ability analysis).

II. ANALYSIS

A. Relevant Background and Procedural History

The Petitioner claims his extraordinary ability is in the prevention and investigation of money laundering and other financial crimes. According to the underlying record, he obtained both his bachelor's and master's degree in accounting in Brazil. The Petitioner has worked for the [redacted] as an auditor for one of its financial institutions, a federal criminal expert for the [redacted], and the head of administrative advisory for the [redacted]. He intends to work as a consultant in the United States.

The Petitioner did not indicate or establish that he received a major, internationally recognized award under 8 C.F.R. § 204.5(h)(3). He must therefore satisfy at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x) to meet the initial requirements of the classification.

The Petitioner claimed that he satisfied eight of the regulatory criteria, specifically at 8 C.F.R. § 204.5(h)(3)(i), (ii), (iii), (iv), (v), (vi), (viii), and (ix). SCOPS determined that the Petitioner submitted sufficient evidence demonstrating his participation as a judge of the work of others under 8 C.F.R. § 204.5(h)(3)(iv) and his performance in a leading and critical role for a distinguished organization or establishment under 8 C.F.R. § 204.5(h)(3)(viii). We conclude the Petitioner has not established any of the regulatory criteria and withdraw SCOPS' determination to the contrary, as discussed below.

The Petitioner did not claim in the underlying record or on appeal that he displayed his work at artistic exhibitions or showcases to meet the requirements of 8 C.F.R. § 204.5(h)(3)(vii) or that he had commercial successes in the performing arts to satisfy 8 C.F.R. § 204.5(h)(3)(x). We therefore deem his eligibility under these two criteria waived. *See Matter of Pongatchev,* 28 I&N Dec. 719, 729 (BIA 2023) (concluding issues that are not meaningfully appealed are waived); *see also Matter of O-R-E-*,

[1] The regulation at 8 C.F.R. § 204.5(h)(4) allows a petitioner to submit comparable material if he or she is able to demonstrate that the standards at 8 C.F.R. § 204.5(h)(3)(i)-(x) do not readily apply to the individual's occupation. The Petitioner has not submitted comparable material.

28 I&N Dec. 330, 336 n.5 (BIA 2021) (citing *Matter of R-A-M-*, 25 I&N Dec. 657, 658 n.2 (BIA 2012) which concluded an issue not raised on appeal is deemed waived.)

B. Remaining Evidentiary Criteria

1. Lesser Nationally or Internationally Recognized Prizes or Awards

To satisfy 8 C.F.R. § 204.5(h)(3)(i), the Petitioner must establish that he has received lesser nationally or internationally recognized prizes or awards for excellence in the field of endeavor. The Petitioner stated in the underlying record that he was one of 176 recipients of the [redacted] in 2022. The medal was created by presidential decree and, according to the decree, is awarded to those who "have contributed to the development and progress of the Transport Sector." The Petitioner adds that he was nominated by the then [redacted] for the medal.

First, a national government agency's issuance of an award does not alone establish a prize's national recognition. *See generally Krasniqi v. Dibbins*, 558 F. Supp. 3d 168, 183 (D.N.J. 2021) ("[A]s reflected in the regulation's plain text, the focus is on the *award*, not the awarding organization.") (emphasis in original). The Petitioner must show how others beyond the [redacted] viewed his award. *See Visinscaia v. Beers*, 4 F. Supp. 3d at 136 ("Without evidence of how a larger audience viewed Plaintiff's awards, there was no way for the agency to evaluate whether those awards were recognized widely enough to satisfy this criterion.") While the Petitioner submitted an article from the [redacted]'s website briefly describing the award ceremony, it is not sufficient to demonstrate the award's national or international recognition.

Second, and as SCOPS properly determined, the evidence does not demonstrate that the award, which honors achievements in the Brazilian transportation sector, is for excellence in his field of endeavor. As the article from the [redacted]'s website stated, the winners consist of "public servants, members of associations and class entities, representatives of the private sector, among other actors *who promote the growth of the sector*." (emphasis added). The article makes no mention, and the evidence does not demonstrate, that the award recognizes excellence in the Petitioner's field of endeavor. *See generally* 6 *USCIS Policy Manual, supra,* at F.2(B)(1) (providing, as guidance, relevant considerations for establishing whether the basis for granting the award was excellence in the field, which includes providing the criteria used to grant the awards, the national or international significance of the awards in the field, and limitations on competitors).

On appeal, the Petitioner asserts that SCOPS erred by not considering a letter by the [redacted] dated August 2024, because it explained why he was nominated for the award.[2] According to the minister:

> [The Petitioner's] most notable achievements were his precise advisement on investigative processes regarding administrative misconduct and crimes committed by

[2] Where, as is the case here, SCOPS provided a reasoned consideration of the petition, and made adequate findings, it will not be required to specifically address each claim a petitioner makes, nor is it necessary for it to address every piece of evidence a petitioner presents. *See Amin v. Mayorkas*, 24 F.4th 383, 394 (5th Cir. 2022); *Martinez v. INS*, 970 F.2d 973, 976 (1st Cir. 1992); *aff'd Morales v. INS*, 208 F.3d 323, 328 (1st Cir. 2000); *see also Pakasi v. Holder*, 577 F.3d 44, 48 (1st Cir. 2009); and *Kazemzadeh v. U.S. Atty. Gen.*, 577 F.3d 1341, 1351 (11th Cir. 2009).

> Ministry employees and its affiliated entities. He also provided invaluable insights into the compliance of appointees with regulatory and legal requirements, as well as the suitability of candidates for high-level trust positions within the Ministry . . . .

Not only does the letter not show the national or international recognition of the award, but it does not establish that the purpose of the award is to honor excellence in the prevention and investigation of money laundering and other financial crimes. Rather, as the article explained, the medal is awarded for contributions to the transportation sector, which the Petitioner has not demonstrated is his field of endeavor.[3] Consequently, the Petitioner has not established this criterion.

2. Memberships in Associations in the Field

To meet 8 C.F.R. § 204.5(h)(3)(ii), the Petitioner must establish his membership in associations in the field for which classification is sought which require outstanding achievements of their members, as judged by recognized national or international experts in their disciplines or fields. The Petitioner claims that his membership in the National Association of Federal Criminal Experts (APCF) meets this criterion. SCOPS determined the Petitioner did not demonstrate that the association requires outstanding achievements of its members as judged by recognized national or international experts in their disciplines or fields.

On appeal, the Petitioner asserts that the association restricts access to a highly select group of government experts who have passed an extraordinary national vetting process, which "meets the spirit and substance of the regulatory standard."[4] However, we look to the plain language of the criterion. The Petitioner has not submitted evidence demonstrating that membership in the APCF requires "outstanding achievements as judged by recognized national or international experts in their disciplines or fields." *See generally* 6 *USCIS Policy Manual, supra,* at F.2(B)(1) (providing, as guidance, the Petitioner must show that in order to obtain membership, recognized national or international experts judged the person as having attained outstanding achievements in the field for which classification is sought). The Petitioner has therefore not established his eligibility for this criterion.

3. Published Material in a Professional or Major Trade Publication or Medium

In order to meet 8 C.F.R. § 204.5(h)(3)(iii), the Petitioner must establish that material has been published about him and his work in the field for which classification is sought, and that the medium in which the material was published was a professional or major trade publication or other major

[3] While we acknowledge counsel's contention that "expertise directly benefiting the transportation sector should be appropriately interpreted, in this particular instance, as a national-level award honoring the petitioner's excellence in anti-corruption, integrity, and financial crime prevention," the unsupported assertions of counsel do not constitute evidence. *See Matter of Obaigbena*, 19 I&N Dec. 533, 534 n.2 (BIA 1998) (citing *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980)).

[4] To the extent the Petitioner requests that we consider this as comparable evidence, he has not claimed and demonstrated that this particular criterion is not readily applicable to his occupation to meet the comparable evidence provision of 8 C.F.R. § 204.5(h)(4).

media. In addition, 8 C.F.R. § 204.5(h)(3)(iii) plainly states that the evidence must include the title, date, and author of the material, and any necessary translation.

The Petitioner submitted a number of articles in support of this criterion and SCOPS determined he did not establish the articles were published in professional or major trade publications or other major media and noted that many of the articles were missing information on the author and the date of publication. SCOPS also concluded that one of the articles appeared to be promotional material about the Petitioner's book and did not meet the requirements of this criterion. We agree.

On appeal, the Petitioner does not address SCOPS' determination that the articles did not appear in major trade publications or other major media. Rather, he focuses his argument on the article titled, "[redacted]" authored by the editorial board of the APCF and published on the APCF's website and in [redacted]. In a declaration dated October 2024, the president of the APCF stated [redacted] is a biannual publication of the APCF and has a circulation of 5,000. The Petitioner claims the publication is a professional one but does not explain or provide evidentiary support for how it is professional. In evaluating whether a submitted publication is a professional publication, a relevant factor includes the intended audience. *See generally* 6 *USCIS Policy Manual*, *supra,* at F.2(B)(1). According to the declaration, recipients of the magazine include federal agencies, entities linked to public safety, radio and television editorial offices, university rectors, ministries, federal judges, and senators. Here, the intended audience is comprised of individuals in different fields, with varying interests and degree requirements. While some recipients may be professionals, the Petitioner has not established that the intended audience is professionals. The Petitioner has therefore not met his burden in establishing that [redacted] is a professional publication.

Further, and as noted above, 8 C.F.R. § 204.5(h)(3)(iii) states that the evidence must include the title, date, and author of the material, and any necessary translation. The Petitioner did not provide the original of the article, a certificate of translation, or information on the author. On appeal, the Petitioner asserts that the author is an editorial body, but he does not identify the editorial body.

The Petitioner also asserts that his appearance on two media platforms also establishes this criterion. He appeared on "[redacted]," providing his input on other individuals' academic theses on money laundering and organized crime. He provided the transcripts evidencing that he commented on the field of money laundering, provided general information and asked questions about the topic to others. The Petitioner also submitted evidence that he appeared on "[redacted]" where the transcripts evidence that he discussed the history of money laundering, and current events in the field, such as proposed legislation. However, the Petitioner has not demonstrated that the programs were about him or his work. Nor has he provided evidence to establish these programs are on professional or major mediums. On appeal, he asserts the two stations are federally funded, government-operated television networks with nationwide reach. However, these uncorroborated statements on appeal do not demonstrate by a preponderance of the evidence that the two stations are professional or major mediums.

On appeal, the Petitioner asserts that SCOPS should have looked at the evidence for this criterion holistically instead of looking at each piece of evidence in isolation. The Petitioner does not cite to any legal authority in support of this argument. The Petitioner further argues that we have the authority

to interpret ambiguous regulatory provisions but does not explain how the regulation is ambiguous. The Petitioner also refers us to *I.N.S. v. Cardoza-Fonseca*, 480 U.S. 421 (1987), a Supreme Court case discussing the well-founded fear standard in asylum cases, in support of his argument that we should apply a less rigid interpretation of the regulations. We do not read the Supreme Court case, which analyzed a standard of review under a separate section of the Act, to support a "less rigid" interpretation of the regulations. We lack the authority to waive or disregard any of the Act's requirements, as implemented by regulation. *See United States v. Nixon*, 418 U.S. 683, 695 (1974) ("So long as this regulation is extant it has the force of law."). The Petitioner has therefore not established this criterion.

4. Judge of the Work of Others in the Same or Allied Field

To meet 8 C.F.R. § 204.5(h)(3)(iv), the Petitioner must submit evidence of his participation, either individually or on a panel, as a judge of the work of others in the same or an allied field of specification for which classification is sought. Petitioners must show that they not only have been invited to participate as a judge of the work of others in their field, but also that they have actually participated in such judging. *See generally* 6 *USCIS Policy Manual, supra,* at F.2(B)(1). SCOPS determined the Petitioner established this criterion. We disagree.

The Petitioner submitted evidence of being on the editorial board of [redacted], a publisher of articles and books. However, he did not provide evidence of actually participating as a judge for the publisher, nor did he provide titles of and information on reviewed works to demonstrate he judged the work of others in the same or an allied field.

The Petitioner also asserted that he was a thesis advisor and evaluator of academic work at the [redacted] ([redacted]). He provided a letter corroborating that he served as a professor of criminalistics, financial expertise, financial crime investigation, and scientific research methodology. He also included a human resources report demonstrating he was also a practical test evaluator for a higher police course and a special police course. However, the record does not contain details of how his role as an evaluator and professor demonstrates he judged the work of others. *See generally Onaghise v. Dep't of Homeland Sec.*, No. 3:20-CV-03033-X, 2022 WL 4073344, at *5 (N.D. Tex. Sept. 2, 2022) (upholding USCIS' determination that various responsibilities, including teaching, training, and mentoring, did not constitute judging the work of others).

The Petitioner also argued that his role on "[redacted]," where he provided scholarly critique on other individuals' academic theses satisfies this criterion. However, he does not explain how his critique amounts to judging the work of others, consistent with this criterion. *See generally* 6 *USCIS Policy Manual, supra,* at F.2(B)(1) (providing, as guidance, examples of judging may include peer review for a scholarly journal, conference, or government research funding program or serving as a member of a doctoral dissertation committee). For these reasons we withdraw SCOPS determination that the Petitioner has established this criterion.

5. Original Contributions of Major Significance

To meet 8 C.F.R. § 204.5(h)(3)(v), the Petitioner must establish that he not only made original contributions but that the contributions have been of major significance in the field. Relevant

supporting evidence may include, for example, published materials, testimonials, letters, and affidavits about the significance of the person's original work; documentation that the person's original work was cited at a level indicative of major significance in the field; patents or licenses deriving from the person's work or evidence of commercial use of the person's work. *See generally* 6 *USCIS Policy Manual, supra,* at F.2(B)(1). SCOPS determined that the Petitioner did not establish his contributions were original and of major significance in the field of endeavor. On appeal, the Petitioner claims, without explanation, that SCOPS' interpretation of the regulation is unduly narrow. As the Petitioner has not provided details or legal support for this argument, we will not address it. *See 1756, Inc. v. The U.S. Att'y Gen.*, 745 F. Supp. 9, 15 (D.C. Dist. 1990) (concluding USCIS need not accept primarily conclusory statements).

The Petitioner also argues SCOPS did not consider the evidence of his contributions that resulted in him obtaining the [redacted]. However, the Petitioner does not explain how his contributions that led to the award were original and of major significance in his field of preventing and investigating money laundering and other financial crimes. The Petitioner further claims SCOPS did not consider the evidence relating to his role in an anti-corruption operation. Here again, he does not explain how his role amounts to an original contribution to his field and how this original contribution was of major significance in his field.

The Petitioner highlights a letter by the technical-scientific director of the [redacted] dated February 2024, who stated the Petitioner "coordinated the development and implementation" of a system that "automated the process of accessing and analyzing financial transaction data" improving the efficiency and effectiveness of financial crime investigations. The author does not explain how the Petitioner's role as a coordinator amounts to an original contribution to the field. Further, even if he established his work on the system was an original contribution, he has not established that his contribution is of major significance to the field. According to the author, the system is "the only system in the world where, after judicial authorization, financial transaction information is transmitted directly from financial institutions to the Federal Police data processing center in a standardized digital format." Neither the author nor the Petitioner explains how coordinating a system that is not used anywhere else in the world demonstrates a contribution of major significance in the field. As a result, the Petitioner has not demonstrated he satisfies this criterion.

6. Scholarly Articles in the Field

To meet 8 C.F.R. § 204.5(h)(3)(vi), the Petitioner must provide evidence of the his authorship of scholarly articles in the field, in professional or major trade publications or other major media. In academia, a scholarly article reports on original research, experimentation, or philosophical discourse, is generally peer reviewed, and may be published in professional or scientific journals or conference presentations. *See generally* 6 *USCIS Policy Manual, supra,* at F.2(B)(1). In other fields, a scholarly article should be written for others who have profound knowledge in the field. *Id.*

In support of this criterion, the Petitioner submitted an article that was published in 2001 by the [redacted]'s official publisher, titled "[redacted]." He also referred us to an exhibit of images of scholarly books he claims to have co-authored or authored. SCOPS determined the Petitioner had not established this criterion. We agree with SCOPS, but for

different reasons and underscore its conclusion that uncorroborated assertions of counsel will not be considered evidence. *See Matter of Obaigbena*, 19 I&N Dec. at 534 n.2.

With respect to the Petitioner's article, he does not provide documentation to establish it is scholarly. His documents do not evidence that it was written for academia, in that it reported on "original research, experimentation, or philosophical discourse," was peer reviewed, or published in professional or scientific journals. *See generally* 6 *USCIS Policy Manual, supra,* at F.2(B)(1). Nor did he establish that it was written for others who have profound knowledge in the field. *Id.* While the Petitioner's appeal brief claims the publication is widely disseminated among professionals, he provides no documentation about the publisher or its intended audience to corroborate his statements. Further, the Petitioner does not explain how the article "[redacted]" relates to preventing and investigating money laundering and other financial crimes.

With respect to the Petitioner's books, he refers us to images included in an exhibit. One book lists him as the author and is titled "[redacted]" Another book titled, "[redacted]" lists him as part of the technical team. He does not explain how either of these books relate to preventing and investigating money laundering and other financial crimes.

He also provides us an image of a book titled "[redacted]" which lists him as one of over 30 authors. His resume states that he authored the chapter on financial forensics. However, he does not establish this article is scholarly. For example, he did not provide us with a copy of the article, information on the publisher, or its intended audience. While counsel in the appeal brief makes various arguments about the scholarly nature of the Petitioner's books, that they are published by academic presses, that they have been adopted in professional courses, that the publishers are reputable, as noted, counsel does not provide any corroborating documentation. Again, unsupported assertions of counsel do not constitute evidence. *See Matter of Obaigbena*, 19 I&N Dec. at 534 n.2. For these reasons, the Petitioner has not established this criterion.

7. Leading or Critical Role

To meet the criterion at 8 C.F.R. § 204.5(h)(3)(viii), the Petitioner must demonstrate he has performed in a leading or critical role for organizations or establishments, or a division or department of an organization or establishment, that have a distinguished reputation. For a leading role, the evidence should establish that the Petitioner is (or was) a leader within the organization or establishment or a division or department thereof. *See generally* 6 *USCIS Policy Manual, supra,* at F.2(B)(1). For a critical role, the evidence should establish that the Petitioner has contributed in a way that is of significant importance to the outcome of the organization or establishment's activities or those of a division or department of the organization or establishment. *Id.* SCOPS determined the Petitioner's evidence demonstrated this criterion. We disagree.

The Petitioner has not established that lecturing or appearing at events hosted by the [redacted], and [redacted] demonstrates that he has performed in a leading or critical role for that hosting organization or establishment. He did not provide supporting documents to

corroborate his assertions that he is or was a leader within these organizations or establishments, or that he contributed in a way that is of significant importance to the outcome of these entities activities.

In the record below, the Petitioner also asserts that his roles at the [redacted], [redacted], and [redacted] Publishing were leading or critical. Unlike with the entities above, he does provide some evidence of the impact of his roles, but he did not provide evidence supporting the distinguished reputation of these entities.[5] Distinguished is defined as "marked by eminence, distinction, or excellence" or "befitting an eminent person." *See* Distinguished, Merriam-Webster.com, www.merriam-webster.com. Without corroborating evidence, the Petitioner has not met his burden to establish these entities are distinguished so we need not address whether his roles for them were leading or critical. *See INS v. Bagamasbad*, 429 U.S. 24, 25 (1976) ("courts and agencies are not required to make findings on issues the decision of which is unnecessary to the results they reach"); *see also Matter of L-A-C-*, 26 I&N Dec. at n.7 (declining to reach alternative issues on appeal where an applicant is otherwise ineligible). The Petitioner has therefore not established this criterion and we withdraw SCOPS determination to the contrary.

8. High Salary in Relation to Others in the Field

The criterion at 8 C.F.R. § 204.5(h)(3)(ix) requires the Petitioner demonstrate that he commanded a high salary or other significantly high remuneration for services, in relation to others in the field. A credible employment contract or job offer may establish that an alien "has commanded" such salary or remuneration, as may evidence of past earnings such as tax returns and pay statements. *See generally* 6 *USCIS Policy Manual, supra,* at F.2(B)(1). Comparative wage or remuneration data that is appropriate for the alien's occupation and location should be submitted to establish that their compensation is high relative to others working in the field. *Id.*

The Petitioner submitted evidence of his 2023 retirement income from the [redacted] and salary data for accountants and criminal experts in the private sector. SCOPS determined that the income statement reflected his total income, inclusive of other benefits, which did not reflect his salary in the field and that he did not provide comparable evidence for the salary of other federal public servants. According to the appeal brief, the Petitioner's retirement remuneration "remains identical to that earned in active duty." The Petitioner does not explain to what active-duty position he refers, as his last position was an advisory position at the ministry of infrastructure or where in the documents his retirement remuneration is listed. Further, this uncorroborated statement does not cure the issues raised by SCOPS. The Petitioner does not provide us with evidence of his salary while working as a criminal expert for the police. In addition, he does not provide us with salary income for police officers with his years of service. While he provides salary data for criminal experts and accountants in the private sector, he does not explain how this salary data is sufficiently similar to his salary in the field so that it would be comparable. As a result, the Petitioner has not established this criterion.

[5] We note the Petitioner provided printouts from Wikipedia about the [redacted] The printouts do not speak to the department being distinguished. Further, as there are no assurances about the reliability of the content from this open, user-edited internet site, we afford it little weight. *See Matter of L-A-C-,* 26 I&N Dec. 516, 526-27 (BIA 2015) (stating "Wikipedia articles lack indicia of reliability and warrant very little probative weight in immigration proceedings").

C. Summary of Evidentiary Criteria and Reserved Issue

The Petitioner has not established that he has received a major, internationally recognized award under 8 C.F.R. § 204.5(h)(3), or that he satisfies at least three of the alternate regulatory criteria at 8 C.F.R. § 204.5(h)(3)(i)-(x). As a result, we need not provide the type of final merits determination referenced in *Kazarian*, 596 F.3d at 1119-20. *See INS v. Bagamasbad*, 429 U.S. at 25 (stating that agencies are not required to make "purely advisory findings" on issues that are unnecessary to the ultimate decision); *see also Matter of L-A-C-*, 26 I&N Dec. at 526 n.7 (declining to reach alternative issues on appeal where an applicant is otherwise ineligible). Nevertheless, we advise that we have reviewed the record in the aggregate, concluding that it does not support a conclusion that the Petitioner has established the acclaim and recognition required for the classification sought.

The Petitioner seeks a highly restrictive visa classification, intended for individuals already at the top of their respective fields. *See* 8 C.F.R. § 204.5(h)(2) (explaining "extraordinary ability" refers only to those in "that small percentage who have risen to the very top of the field of endeavor"). USCIS has long held that even athletes performing at the major league level do not automatically meet the "extraordinary ability" standard. *Matter of Price*, 20 I&N Dec. 953, 954 (Assoc. Comm'r 1994). Here, the record as a whole does not demonstrate a level of recognition that indicates the required sustained national or international acclaim or demonstrates a "career of acclaimed work in the field" as contemplated by Congress. H.R. Rep. No. 101-723, 59 (Sept. 19, 1990); *see also* section 203(b)(1)(A) of the Act. Moreover, the record does not otherwise demonstrate that the Petitioner is one of the small percentage who has risen to the very top of the field of endeavor.

III. CONCLUSION

For the reasons discussed above, the Petitioner has not demonstrated eligibility as an individual of extraordinary ability.

ORDER: The appeal is dismissed.

NOTICE: This constitutes the final decision in this matter. The filing of a motion will not postpone the effect of the decision. 8 C.F.R. § 103.5(a)(1)(iv). Aliens who are not lawfully present, or otherwise inadmissible or deportable, may be subject to the commencement of removal proceedings under section 240 of the Act through the issuance of a Form I-862, Notice to Appear. Those proceedings may result in their removal from the United States and possible ineligibility for future visas or other immigration benefits.